

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ORIGINAL

CARL G. SIMPSON AND BONNIE REED
SIMPSON, CO-ADMINISTRATORS
OF THE ESTATE OF CARL D. SIMPSON

Plaintiffs,

vs.

Case No. C-1-00-0014

INTERMET CORPORATION, et al.,

Defendants.

DEPOSITION OF JAMES BRAMMER

The deposition of James Brammer was taken on June 22, 2001, at the approximate hour of 11:50 a.m., at 215 South Fourth Street, Ironton, Ohio.

ELITE COURT REPORTING
9 James Drive
Huntington, West Virginia 25705
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BRANDY D. FRAZIER

1 A. Yes. You set the machine to a certain height and
2 lock everything out. Then you get in there and clean out
3 the sticker.

4 Q. So you're not doing this during a time when the
5 machine is working so you'd be worried about your timing?

6 A. No. You've got all the time you want to take
7 until the foreman gets on you.

8 Q. So you said your first one on September 21st,
9 1999 was at 7:05 a.m. Were you the one that handled
10 that --

11 A. Yes.

12 Q. -- or did Mr. Simpson do it?

13 A. I was the one that handled that.

14 Q. How many occurred after that?

15 A. Two or three.

16 Q. Did you handle all two or three?

17 A. No. Harris handled one. Simpson handled one or
18 two of them.

19 Q. Were you on break anytime that one of these was
20 handled, or were you there?

21 A. Yeah. That's when Simpson would handle them,
22 when I was on break.

23 Q. But you were there for the one that Harris
24 handled?

1 A. Yes.

2 Q. Now, it's probably about 8:30 a.m. on that
3 morning. Can you describe what happened in terms of the
4 next sticker that Mr. Simpson had to deal with?

5 A. He got a sticker. He went out and locked out the
6 machine.

7 Q. Just like you had and Mr. Harris had before?

8 A. Yeah. He got the sticker out. He went out and
9 jumped across the unloaders. I don't know if you've ever
10 seen unloaders or not.

11 Q. I think I have. I've visited it, so I think I
12 know what area of the machine you're talking about.

13 A. The forks.

14 Q. If you describe it on the record --

15 A. It's the forks that goes in and picks up the
16 pattern -- the mold and brings it out and sets it down.

17 Q. Okay. Great. That's a great description.

18 A. He went across them and went out and unlocked
19 everything.

20 Q. Now, do you usually go across those? Is that the
21 procedure that you followed and Mr. Harris followed?

22 A. Yes. Well, that's the only procedure we could --
23 we had to walk across them because you couldn't get out.
24 Whenever they put the machines in, they didn't put them far

1 enough apart so you could maneuver. They was too close.

2 Q. Okay.

3 A. Well, he unlocked everything and he came back
4 across. He said, "Well, go ahead and raise up the
5 machine." He had to hand me my keys because you had to
6 have a little pin to use the hydraulic thing.

7 Q. Why were the keys he was giving you any different
8 than the keys that you already had?

9 A. The keys that we use is for the locks.

10 Q. Oh, okay. There's something separate?

11 A. He didn't have an operating key.

12 Q. Only you did of the three of you?

13 A. No. The operators have one. I made mine.

14 Q. Okay.

15 A. It's made out of welding rod. That's what you
16 use to raise the machine up by the hydraulics (indicating).

17 Q. Is that what you referred to as a pin earlier?

18 A. Yes.

19 Q. So he handed you that pin?

20 A. Yeah. They was inside on the glue press. It was
21 on his side. So he handed them to me.

22 Q. Then what happened?

23 A. I looked at him and I told him I was going to go
24 around back and raise up the machine.

1 Q. Is that the terms that all of you would use for
2 what you were about to do? You'd call it "raise up the
3 machine"?

4 A. We would tell the person inside that we was going
5 to raise up the machine and let them be acknowledged that
6 we was going to do it.

7 Q. In terms of the noise that's in that area, did
8 you have to be facing someone and close to them in order
9 for them to be able to hear what you were saying?

10 A. We all got used to the sound. I could hear you
11 if you was setting over there on that roof and talking to
12 me. I could hear you with the noise (indicating).

13 Q. Okay.

14 A. And you wouldn't have to be screaming or nothing.

15 Q. Was there ever a time when you were trying to
16 tell somebody something and they couldn't hear you because
17 of the noise in the factory or the facility?

18 A. In certain areas, yes.

19 Q. At the sutters?

20 A. At the sutters, it wasn't really that loud.

21 Q. Was there ever a time when you were at the
22 sutters and you couldn't hear what someone was telling you?

23 A. No. As far as I can remember, I usually heard
24 everything they ever told me.

1 Q. When you told Mr. Simpson what you were doing,
2 were you facing him at that time?

3 A. Yes.

4 Q. How close were you to him?

5 A. Closer than me and you.

6 Q. You need to describe it for the court reporter.

7 A. I was probably two-and-a-half foot away.

8 Q. Did you make any gestures to him when you were
9 telling him this?

10 A. I just looked at him and told him I was going to
11 raise up the machine. He said, "Okay."

12 Q. Did he shake his head when he said okay to you,
13 or do you remember that gesture from him?

14 A. Yes.

15 Q. Then what did you do?

16 A. I walked around to the back of the machine.

17 Q. When you were walking around to the back of the
18 machine, did you hear anything?

19 A. No.

20 Q. Did you see anything except for the machine that
21 you're used to seeing?

22 A. When you got around to the back of the machine,
23 you couldn't see nothing but the machine.

24 Q. Did anything look unusual to you at that point?

1 A. No.

2 Q. Who were on the other machines -- do you remember
3 who was on the other machine at that time?

4 A. B-1 operator was Tom Stapleton -- and his partner
5 -- I couldn't tell you what his name was.

6 Q. That's right. There would only be two because
7 one relief person would be relieving on the other machine?

8 A. Yes.

9 Q. Were you relieving on the other machine that day,
10 too?

11 A. I was the helper, operator.

12 Q. Okay. So you're always at the B-2?

13 A. I'm always with the B-2. I didn't like the other
14 machine. I liked B-2.

15 Q. So you walked to the back and you didn't see
16 anything unusual. Then what happened?

17 A. I always bend down to try to look in between
18 because if you get down low enough, you can see, but I
19 couldn't reach the key to raise it up. So I'd look.
20 Didn't see nothing. So then I went up to raise it up.

21 Q. When you say, "in between," in between what? Can
22 you describe two things that you were in between?

23 A. You got the blow head on the back of the machine
24 where the blow tubes is at. If you look down underneath

1 the blow tubes, you could see back in there to the back of
2 the pattern.

3 Q. So that's where you were?

4 A. Yeah.

5 Q. You were, like, crouched down?

6 A. Yeah. I bent down and looked to see if there was
7 anything -- to see if I seen anything like a blow tube
8 being busted or anything, checking the machine while I was
9 in the back of it.

10 Q. Did you bend over from your waist to do that, or
11 do you crouch down -- bend your knees?

12 A. I crouched down. I bent my knees.

13 Q. You said, at that point, when you were crouched
14 down, you didn't see anything.

15 A. I didn't see anything.

16 Q. Then what did you do?

17 A. I reached up and raised up the machine.

18 Q. How did you do that?

19 A. I stuck the pin in the slot for the hydraulics to
20 raise up the box.

21 Q. Was there anything unusual in terms of the pin or
22 what you were sticking it into at that point?

23 A. No.

24 Q. Then what happened?

1 A. I seen it didn't -- I didn't hear it click in
2 because when you'd raise it up, you'd hear it click, that
3 it's raised up all the way. Well, I didn't hear it click
4 so I looked down and I seen the machine wasn't up all the
5 way. So I came back around to the front of the machine,
6 and I seen that he was in there. So I hurried up and let
7 it down. After that, I couldn't tell you.

8 Q. When you said, "You hurried up and let it down,"
9 does that mean you have to go back to where the box was, or
10 you physically did that?

11 A. The way they had the computer set up, you could
12 let the pattern down by the computer.

13 Q. And that was a button to be pressed?

14 A. That was a button. But, at that time, you
15 couldn't raise it up by that button.

16 Q. Okay. The only way you could raise it up would
17 be --

18 A. To manually raise it up.

19 Q. And that's what you did?

20 A. Yeah. That was in the back of the machine.

21 Q. You said that you usually -- when it raises up,
22 you hear a click?

23 A. Yes.

24 Q. You didn't hear a click, so then you looked to

1 see -- and saw that it hadn't raised --

2 A. Hadn't raised up.

3 Q. -- up. So when you normally do that procedure
4 with the pin, you decide or figure out that it's raising up
5 properly based on the sound and not sight?

6 A. Based on the sound.

7 Q. So you were never able to see it being raised?

8 A. Not from the back of the machine unless somebody
9 else was raising it up for me. Then I'd watch it.

10 Q. Now, you said, "If somebody else was raising it
11 up for you." Was it common practice to have two people
12 involved in that process, to have one watching it while the
13 other was doing it?

14 A. Well, we used it if my partner was working on the
15 machine at the time. I'd sit back and watch him work
16 because, like I said, it wasn't big enough for too many
17 people to get in.

18 MR. LAMBERT: As I understand, you were
19 asking about the raising procedure, not the working
20 procedure?

21 MS. BRIDE: Yeah.

22 MR. LAMBERT: I think he misunderstood.

23 THE WITNESS: If he was doing it, I'd let
24 him raise it up.